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January 2, 2014

Honorable William J. Martini, U.S.D.J.
United States District Court
District of New Jersey
50 Walnut Street
Newark, NJ 07101

Re: *Hoffman v. Clemens, et al.*
Civil Action No. 13-7924 (WJM)(MF)

Honorable Judge Martini:

I am the Plaintiff *pro se* in this action. I am also admitted to practice before this Court.

This civil action was originally filed in the Superior Court of New Jersey. It was removed by Defendant Whole Body Research, LLC ("WBR, LLC") on December 31, 2013 (ECF #1). In the removal petition, WBR, LLC alleges federal jurisdiction under the Class Action Fairness Act ("CAFA") (ECF #1, ¶13). To sustain CAFA jurisdiction, WBR, LLC must demonstrate that "minimal diversity" exists. In an effort to establish minimal diversity, WBR, LLC alleges that Plaintiff is a citizen of New Jersey (ECF #1, ¶14) and that WBR, LLC is a California limited liability company (ECF #1, ¶14). This, according to WBR, LLC, establishes minimal diversity (ECF #1, ¶16).

We respectfully disagree.

As this Court well knows, the citizenship of an LLC is determined by the citizenship of each of its members. *See, Emergency Physicians of St. Clare's, LLC v. Proassurance Corporation*, Civil Action No. 09-6244, 2010 WL 3311861 (D.N.J. 2010) (Martini, J.), citing *Zambelli Fireworks Mfg. Co., Inc. v. Wood*, 592 F.3d 412 (3d Cir. 2010). Thus, any attempt by WBR, LLC to establish minimal diversity must start with identification of each of its members.

Rather than address this fundamental point of federal jurisdiction by motion, Plaintiff respectfully requests that WBR, LLC be directed to file a sworn declaration disclosing the identity and citizenship of each of its members.

Respectfully yours,

Harold M. Hoffman

cc: Counsel for Defendant (by ECF)